

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
CHERLYN PHILLIPS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 16-cv-0621-TSC
)	
JEH CHARLES JOHNSON <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

MEMORANDUM OPINION

In a complaint filed *pro se* in the United States District Court for the Eastern District of New York, plaintiff alleges that in July 2011, the U.S. Department of Homeland Security breached the settlement agreement reached in November 2010 governing her separation from employment. (*See* Compl., ECF No. 1.) Plaintiff seeks \$1.7 million in compensatory damages and an unspecified amount of “tort damages.” (*Id.* at ECF p. 7.) Because of the location of the alleged events, the complaint, filed on December 15, 2015, was transferred to this Court. (*See* Mar. 31, 2016 Transfer Order, ECF No. 5.)

On August 23, 2016, defendants filed a Motion to Dismiss under Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure (ECF No. 11). Plaintiff was ordered to respond to the motion by October 7, 2016, or risk summary dismissal of the case on what would be treated as a conceded motion. (*See* Aug. 30, 2016 Order, ECF No. 12.) Plaintiff has not complied with the order, and she has not sought additional

time to comply. Therefore, the Court finds that plaintiff has conceded defendants' valid arguments for dismissal. Particularly, plaintiff has not refuted that (1) the claim for tort damages is time-barred under the two-year statute of limitations set by the Federal Tort Claims Act ("FTCA") (Def.'s Mem. of P. & A. at 6-7, ECF No. 11-1); (2) the FTCA bars certain claims alleged in the complaint (*id.* at 7-10); and (3) jurisdiction is lacking over the claim arising from the settlement agreement previously adjudicated by the Merit Systems Protection Board (*id.* at 10-12). Consequently, this case will be dismissed. A separate Order accompanies this Memorandum Opinion.

Date: October 17, 2016

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge